

FEB 25 2022

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

JULIA C. DUDLEY, CLERK  
BY: s/ H. MCDONALD  
DEPUTY CLERK

**DANVILLE DIVISION**

HILLARY ALLEN MCCARGO  
Plaintiff

v.

C/A No. 4:22CV00012

BARNETT REAL PROPERTIES, INC.,

(State Court Case # CL22-0006)

BARNETT PROPERTIES, LLC

WALGREEN CO. D/B/A WALGREENS STORE #17843,

SALISBURY MALL LIMITED PARTNERSHIP,

SAL PROPERTIES, INC.  
Defendants

**NOTICE OF REMOVAL**

COMES NOW the defendant, Barnett Real Properties, Inc., by counsel, and gives Notice of Removal of this matter from the Charlotte County Circuit Court, Virginia to the United States District Court for the Western District of Virginia pursuant to 28 USC §1331 and 28 USC §1441(b).

1. This matter was commenced by the filing of the Complaint on January 14, 2022 in the Circuit Court for Charlotte County Virginia. Service was made on this defendant on January 28, 2022.

2. An Order was entered on February 9, 2022 amending the Complaint to add Barnett Properties, LLC (NC) as a defendant.

3. Thirty days have not elapsed since the receipt of either the Complaint or Amended Complaint and one year has not elapsed since the commencement of this action.

4. The District Court has jurisdiction over this matter as there is complete diversity of citizenship between the plaintiff and all properly joined defendants.

5. Plaintiff filed suit against two parties with the same name. Barnett Properties, LLC (VA) a Virginia limited liability company headquartered in Forest Virginia and Barnett Properties, LLC (NC) a North Carolina limited liability company headquartered in Henderson, North Carolina.

6. Barnett Properties, LLC (VA) has now been dismissed from the State Court matter. All of the remaining defendants are incorporated and headquartered outside of Virginia.

7. The Defendant files herewith a copy of all process, pleadings, motions and orders received by them in this action as a part of the Notice of Removal.

8. The Clerk of the Charlotte County Circuit Court and all counsel of record shall be promptly given written Notice that this Notice of Removal has been filed.

Wherefore, the Defendant prays that this Notice of Removal be accepted as sufficient for removal of this action to this Court.

Respectfully submitted,

Barnett Real Properties, Inc.

By: 

Counsel

Benjamin T. Owings, II (VSB #69759)  
**THE HANOVER LAW OFFICE**  
7130 Glen Forest Drive – Suite 200A  
Henrico, Virginia 23226  
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[bowings@hanover.com](mailto:bowings@hanover.com)

### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Removal has been mailed, postage prepaid, first class mail to:

F.Neil Cowan, Jr., Esq.,  
Henry Jones, Esq.  
**CowanGates**  
1930 Huguenot Road  
P. O. Box 35655  
Richmond, VA 23235-0655

J. Derek Turrietta  
**Stackhouse, Nexsen &  
Turrietta, PLLC**  
4505 Colley Avenue  
Norfolk, VA 23508

this 25<sup>th</sup> day of February, 2022.



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Benjamin T. Owings